

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS)	MDL No. 2419
LIABILITY LITIGATION)	
Plaintiffs,)	Docket No. 1:13-md-2419 (RWZ)
)	
This document relates to the “Box Hill Clinic)	
cases only:)	
)	
Armetta, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14022-RWZ)	
)	
Bowman, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14028-RWZ)	
)	
Davis, et al. v. Box Hill Surgery Center, LLC,)	
et al.)	
No. 1:14-cv-14033-RWZ)	
)	
Dreisch, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14029-RWZ)	
)	
Farthing, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14036-RWZ)	
)	
Kashi, et al. v. Box Hill Surgery Center, LLC,)	
et al.)	
No. 1:14-cv-14026-RWZ)	
)	
Torbeck, et al. v. Box Hill Surgery Center,)	
LLC, et al.,)	
No. 1:14-cv-14023-RWZ)	
)	
Handy v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14019-RWZ)	

PLAINTIFFS’ PROPOSED BELLWETHER CASE LIST

MDL 2419 Plaintiffs with remaining personal injury tort and wrongful death claims against the Box Hill Defendants group, by and through their respective undersigned counsel, Law Offices of Peter G. Angelos, P.C. and Cohen, Placitella & Roth, P.C., hereby designate the following eight (8) cases as bellwether case candidates:

Plaintiff	Docket #	Injuries
Armetta (PR of Estate of John Millhausen), et al.	1:14-cv-14022-RWZ	Wrongful death and survival action based on the death of John Millhausen, an 83 year old male who was injected with NECC MPA by Dr. Bhambhani at Box Hill on August 24, 2012. Mr. Millhausen was diagnosed with fungal meningitis, which required hospitalization for over 30 days, and hospice care for five days. His suffering included acute kidney injury from anti-fungal drugs, toxic encephalopathy, and hospital-acquired pneumonia. Mr. Millhausen died from fungal meningitis on November 15, 2012, and is survived by his loved ones, including three adult children.
Bowman, PR of Estate of Edna Young), et al.	1:14-cv-14028-RWZ	Wrongful death and survival action brought by Personal Representative and the daughter of Edna C. Young, who was injected with NECC MPA by Dr. Bhambhani at Box Hill on 6/13/12, 7/20/12 and 8/24/12. Ms. Young was diagnosed with fungal meningitis, was hospitalized three times, and died at age 97 on 12/31/12.
Davis	1:14-cv-14033-RWZ	Teresa Davis was injected with NECC MPA on 7/20/12 and 8/17/12. At age 55, she was diagnosed with fungal meningitis, underwent painful and invasive medical treatment, and was administered anti-fungal medications for 90 days.
Dreisch	1:14-cv-14029-RWZ	Belinda Dreisch was injected with NECC MPA by Dr. Bhambhani at Box Hill on 7/13/12 and on 8/24/2012. At age 56, she was diagnosed with meningitis and became permanently disabled. Ms. Dreisch was hospitalized multiple times, was on anti-fungal medications for 390 days, and spent 30 days in a rehabilitation facility. She has endured 13 lumbar punctures as well as other painful and invasive diagnostic procedures and has suffered complications, including acute kidney failure, liver toxicity, hair loss, cellulitis, and arachnoiditis,

Plaintiff	Docket #	Injuries
Farthing	1:14-cv-14036-RWZ	Angela Farthing received NECC MPA injections administered by Dr. Bhambhani at Box Hill on 6/29/12 and 8/31/12. At age 41, she was diagnosed with fungal meningitis and continues to suffer from permanent, incurable arachnoiditis. Ms. Farthing has been hospitalized and has required rehabilitation, physical therapy, and home health care for functional limitations and weakness. She was on anti-fungal medication for 230 days. Complications she has endured include brain aneurysm, stroke, spinal abscesses, requiring surgical procedures, and acute kidney injury.
Handy (PR of Estate of Brenda Rozek)	1:14-cv-14019-RWZ	Wrongful death and survival action predicated upon Plaintiff's deceased mother, Mrs. Brenda Rozek, contracting fungal meningitis which caused her death on September 16, 2013 at age 51. Mrs. Rozek, is survived by her husband, two daughters, and her parents, each of whom may claim damages under Maryland wrongful death causes of action. Ms. Handy is personal representative of Mrs. Rozek's estate. NECC MPA was administered to Ms. Handy by Dr. Bhambhani at Box Hill on 8/31/12.
Kashi (PR of Estate of Bahman Kashi), et al.	1:14-cv-14026-RWZ	Wrongful death and survival action brought on behalf of the Estate of Bahman Kashi, and his wife and 4 adult children. Mr. Kashi was a 75 year old male who Dr. Bhambhani injected with NECC MPA on 9/5/12 at Box Hill. He was diagnosed with fungal meningitis, hospitalized for 92 days and suffered multiple complications, including cerebrovascular accident, sepsis, pneumonia, liver damage and DVTs. Mr. Kashi died as a result of fungal meningitis on 1/28/13.
Torbeck	1:14-cv-14023-RWZ	Linda Torbeck was injected with NECC MPA by Dr. Bhambhani at Box Hill on 8/31/12. At age 66, she was diagnosed with fungal meningitis, requiring two hospitalizations, painful and invasive medical treatments, and physical therapy. Ms. Torbeck required antifungal medication for 416 days. She suffered complications, including arachnoiditis, acute kidney injury, and anemia.

The eight proposed bellwether plaintiffs' claims against the Box Hill Defendants each allege negligence, lack of informed consent, violation of Massachusetts consumer protection laws, conspiracy and derivative claims, such as damages for loss of consortium or wrongful death. The operative facts in all eight cases are almost identical and include (but are not limited to) the following:

- All eight Plaintiffs or their decedents were patients at Box Hill Surgery Center.
- All eight Plaintiffs or their decedents were patients of Dr. Bhambhani.
- All eight Plaintiffs or their decedents were administered preservative free MPA manufactured by NECC and dispensed to Box Hill.
- Dr. Bhambhani administered the preservative free MPA to all eight Plaintiffs or their decedents at Box Hill.
- All eight plaintiffs or their decedents were not informed about the nature or source of the MPA prior to the procedures.
- None of the eight plaintiffs or their decedents were administered NECC dispensed compounded MPA pursuant to a patient specific prescription relating specifically to them.
- The preservative free MPA administered to all eight Plaintiffs or their decedents was tainted with fungus.
- All eight Plaintiffs or their decedents contracted serious fungal infections after being administered preservative free MPA by Dr. Bhambhani at Box Hill.
- All eight Plaintiffs' or their decedents' fungal infections were caused by the fungal tainted preservative free MPA.

- The fungal tainted preservative free MPA that Box Hill obtained from NECC and that Dr. Bhambhani administered to all eight Plaintiffs or their decedents was obtained in contravention of Massachusetts pharmacy laws. Specifically, Box Hill submitted to NECC past patient names in order to obtain office supplies of preservative free MPA drugs from NECC in violation of Massachusetts' controlled substances and pharmacy laws and regulations, which required patient specific prescriptions.

Respectfully Submitted,

/s/ Patricia J. Kasputys

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CERTIFICATE OF SERVICE

I, Michael Coren, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the defendants in the above-referenced individual cases, and will be sent to these parties by operation of the CM/ECF system.

Dated: December 1, 2016

/s/ Michael Coren

Michael Coren